

Sehr Winery ARP
(PLN18-00469)

After Packet Comments

Planning Commission
May 28, 2020

My name is Jackie Hoyt and I live adjacent to the Sehr Winery parcel. My home is approximately 400 feet from the proposed events center and tasting room. I can personally state that the noise pollution generated by unlimited events and 12+ special events per year will impact my health and quality of life as well as has detrimental impacts on my property value.

We have asked Mr. Ivaldi as Planning Director pursuant to PC Code 17.02.050, under what authority or legal statute is he able to segment the Sehr Winery Project from the Winery Brewery Ordinance? I ask the Planning Commission for this as well as the specific disadvantage or special feature of the property for which relief of adherence to County Noise and Hours of operation are being granted in Violation of CEQA.

I state for the record that I will not grant the Sehr's an easement to enlarge their leach field to handle additional events. Discussion Item XIX-3 clearly states that the project as built is at capacity. Under what conditions can this Planning Commission approve a project which will be substandard to meet new entitlements and are the Sehr's aware of added costs for expansion, environmental review and traffic study?

At this time, the only types of businesses allowed in Res-Ag are home based businesses. Under current regulations 17.56.120, employees are limited to 2 employees on site for 4.6 acres, deliveries are limited to one round trip per day and no more than 3 visitors on site at one time or 15 patrons per day and retail sales are only allowed 30 days per year. The Sehr proposal is a commercial facility with 6 employees etc. Please explain how under current regulations, you have the authority to violate chapter 17 requirements?

thank you for the appropriate and specific clarification.

Discussion Item XIX-3: Onsite sewage disposal systems are required to be designed for the maximum gallons per day based upon all of the proposed uses connected to the system. Due to the slow percolation rate in the area near the winery building there is limited area available for sewage disposal. This proposed project would utilize a new septic system sized to accommodate 203 guests per day for the sewage disposal. This project is proposing to have a maximum of six promotional events (e.g. winemaker dinners) per year. The current capacity of the leach field cannot handle the sewage flows for the winemaker dinners in addition to the open wine tasting on a daily basis. However, special design features have been added to accommodate the sewage flows for the infrequent events (i.e. six times per year). The applicant is required to adhere to this maximum number of guests in order protect the efficient operation of their sewage disposal system. To increase the number of guests to greater than 203 per day, the applicant would be required to conduct additional soils testing in another area on their parcel to increase the size of their sewage disposal system. Additionally, exceedance of the 203 person limitation would require modification of the ARP as well as additional traffic analysis.

Sue Colbert

From: Sabrina Brening <accounting@magvibe.com>
Sent: Wednesday, May 27, 2020 11:19 AM
To: Sue Colbert
Subject: [EXTERNAL] Sehr winery

Hello Sue,

My name is Sabrina Brening, formerly Sabrina Rickey. I grew up across the street from the 80 acres on the Rickey Ranch, that now belongs to Jim & Angela Sehr. My Aunts inherited and sold this land after the passing of my grandparents. I have many fond memories of family reunions and such on this property. It was always my grandparents wish to preserve the land and their one wish was that it wouldn't be subdivided. My family ranch always had vineyards and cattle which is why I truly believe they would be happy with what the Sehr family has done and planned for future. About two weeks ago I contacted Angela and she was so welcoming, and she and Jim gave my mom and I a private tour of the property. It is beautiful. They have done so much work and put their heart and soul into this land. It makes me so happy that they love the land where I grew up. I recently built our family home about ¼ mile away from them, at 7158 Cavitt Stallman road and I am not concerned that the traffic will increase much. I am thankful for the Sehr family and what they have in the works. I feel the winery & tasting room will add to our community and I cannot wait to visit again.

Thank you for your time.

Sabrina Brening



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Sue Colbert

From: Valleri Chakrabarti <valleri77@hotmail.com>
Sent: Monday, May 25, 2020 6:08 PM
To: Sue Colbert
Subject: [EXTERNAL] Comments on Sehr Winery for May 28 2020 Planning Meeting

Dear Planning Commission,

I understand that you will be considering the Sehr winery at a Planning Committee meeting on May 28. My experience in the past was that it is very difficult for me to call into county meetings, so I would like to present my comments in writing to be included as part of the community input for the committee's consideration.

I live about 2 miles from the Sehr winery project and drive on Cavitt Stallman many times a day taking my children to and from school as well as to extracurricular activities. We have lived in our house in Granite Bay for over 13 years, so my four kids have grown up in this neighborhood and we have seen the traffic continue to increase over the years. In addition, my daughter (who is training for a half marathon) runs several days a week right by the property in consideration. That portion of Cavitt Stallman is meant to be a small, country road, servicing only the neighbors in the area. It is not meant to handle any type of "business" traffic. The road is narrow, has blind hills, and in many parts, does not even have a shoulder or bike lane. It is irresponsible that the county would allow a winery, which would regularly serve alcohol and host large-scale events, to be built on such a back country road, greatly increasing the chance of a drunk driving accident. I have heard the comparison to the Flower Farm as a successful wine/event center, but that business is on the corner of Auburn Folsom, a much bigger street and not part of a residential neighborhood. The Planning Commission has the responsibility to make sure our community grows in a way that is beneficial to the residents. In this case, allowing this project to continue as proposed would endanger the physical safety of the neighbors nearby.

I have been following the development of this property closely, and am also wondering why it appears that Sehr winery is getting special treatment, with regards to its requirements to follow both county and CEQA laws. I did some digging and see that the "Twin Rocks Estates Vineyards, LLC" (registered at the same address and also owned by the Sehrs'), made a \$2,500 donation to Kirk Uhler's re-election campaign in June 2019. I can't help but ask if the county's selective enforcement of the rules is correlated to the Sehr's recent generous donation. If not this reason, what explanation does the Planning Committee give to the community as to why the Sehr winery is being allowed to avoid a CEQA-required traffic study, and is exempt from county noise ordinances and hours-of-operation requirements, as well as not being required to install the proper septic system? All of these "exceptions" are not for the good of the community, only for the good of the Sehrs.

I respectfully ask the Planning Committee to properly do their job and make sure that they don't approve a project that clearly violates the current laws as well as puts the community in danger.

Valleri Chakrabarti

DEFEND GRANITE BAY

April 27, 2020



Planning Commissioners

As appointed representatives of Placer County your Obligation of Public Service § 2635.101(a) defines “public service as a public trust”. Each of you is responsible to ensure that residents of this county have faith in your loyalty to laws and to publicly demonstrate complete integrity, respect and adherence to the principles of ethical conduct as set forth in this legal statute.

The merits of the Sehr Winery proposal cannot be the basis of your decision. Community “wants” cannot be the basis of your decision. As guardians of Placer County Ordinances and State Laws, your decision must be founded on strict adherence to current legal statutes.

Without full disclosure of the basis of your decision, many in this community may perceive that you are knowingly and willingly allowing violations of zoning and CEQA laws. Laws which are in place to ensure equity.

We ask explicitly for the following:

- 1) The specific ordinance, legal statute or authority that is granting you the discretionary powers to segment Sehr Winery from the whole of the action of the Winery Brewery Ordinance.
- 2) The special circumstance or disadvantage of the Sehr Property for which you must grant relief by allowing hours of operation in violation of Res-Ag zoning districts.
- 3) The findings that Sehr Winery as a part of the Res-Ag district must not abide by home business employee numbers and requirements of hours of operation.

Approval of this project today will in fact be a disservice to the Sehrs as they have invested in environmental review. As per your conditions of approval, should the Winery Brewery Ordinance pass they will immediately be required to conduct additional studies and upgrade their septic system in accordance with the Regional Water Quality Board in order to realize added entitlements.

Include our comments in the admirative record.

The Defend Granite Bay Board and members

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Sue Colbert

From: Michael Hamby <m.hamby@claimseval.com>
Sent: Wednesday, May 27, 2020 5:49 PM
To: Shirlee Herrington; Sue Colbert; EJ Ivaldi; EJ Ivaldi
Cc: Jackie Hoyt
Subject: [EXTERNAL] Fwd: Segmenting Sehr Winery Comments

My name is Michael Hamby and I live at 6905 Mystery Creek Lane very near the Sehr Winery project. At great personal expense we secured legal advice regarding the failure by the County to **analyze 2 active CEQA projects in a cumulative fashion.**

In a fashion easily understood by the public and for transparency in the decision making process guaranteed by both State and local laws, I am asking for the “**specific ordinance, legal statute or authority**” **granting the Planning Commission the discretionary powers to segment the Sehr Winery Project from the Winery and Brewery Zoning Text Amendments in violation of CEQA 15378 section 402.** Despite 3 legal letters from 2 law firms and multiple requests by residents of the community, no explanation has been provided which explains how Sehr Winery and the Winery Brewery Ordinance are not considered a “**whole action**”.

Additionally, under the new ordinance in progress, events do not have to be agricultural in nature: Weddings, birthday parties, corporate events. This undermines the Williamson Act and grants the owner special privileges not granted to other Williamson Act properties in the County as well as the State.

The underlying Res-Ag zoning is in direct conflict with a commercial events center for which the staff report fails to make a clear and decisive distinction. Additionally, the addition of "restaurant" in the language is in direct conflict with the underlying zoning as well as in direct conflict with agricultural event centers which expressly forbid restaurants. **17.56.340 11 (c)**

Further clarification needs to be provided for the relief being provided to operate in violation of 17.56.340 11 8 (c) and 9.

Thank you for your consideration
Michael Hamby

CEQA 15378 section 402. PROJECT SEGMENTING “A project is defined as the “WHOLE of an action” and MAY NOT be segmented nor divided into smaller parts in an attempt to avoid full consideration of its environmental impacts. Thus, all of the separate permits and approvals for a particular project SHALL be considered together (along with the underlying activity itself) ...The environmental review of a

project MUST include an analysis of the environmental effects of future expansion....”

17.56.340 Community center, commercial event center, agricultural event center.

11 c. Agricultural event center: as specified by the conditional use permit and if a commercial kitchen is approved with the event center it shall only be used in conjunction with on-site events. Restaurants are not allowed as part of an agricultural event center.

8 c. All types of agricultural event centers shall be allowed to operate from 10:00 a.m. to 10:00 p.m. on Friday and Saturday and from 10:00 a.m. to 8:00 p.m. Sunday through Thursday.

9. Noise Regulations. All types of agricultural event centers shall be subject to Placer County Code Article 9.36 (Noise Ordinance) and shall be required to stop all noise generating activities, such as music, at 7:30 p.m. or move such activities into an enclosed structure which will reduce the noise level to twenty (20) decibels or less at the event center’s exterior property lines.

My best to you,
Michael Hamby, CEO
Claims Eval, Inc



Michael Hamby
Chief Executive Officer
916-797-9997 Office
916-709-5121 Mobile
480-393-5620 FAX
m.hamby@claimseval.com
claims_eval@claimseval.com

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Michael Hamby
Chief Executive Officer
916-797-9997 Office
916-709-5121 Mobile
480-393-5620 FAX
m.hamby@claimseval.com
claims_eval@claimseval.com

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Sue Colbert

From: Kerry Hanson <kerryhanson2@aol.com>
Sent: Saturday, May 23, 2020 8:51 AM
To: Sue Colbert
Subject: [EXTERNAL] Sehr Winery

Hi and thanks for being available.

We are in favor of the winery in stead of housing development on the Sehr's property. We are located in the center of their west property line.

Thanks

K. D. Hanson

Sent from my iPhone

Sue Colbert

From: Jackie Hoyt <jacklinehoyt@gmail.com>
Sent: Monday, May 25, 2020 12:35 AM
To: Sue Colbert; Jackie Hoyt
Cc: Shirlee Herrington; Meghan Schwartz; Nikki Streegan
Subject: [EXTERNAL] Re: Sehr Winery (PLN18-00469) - modified legal notice
Attachments: attorney letter Comment Sehr Winery Project MND MAY 25th.pdf

Please provide the attached letter from our attorney (38 neighbors) to the commission and staff; as well as part of the administrative record.

Jackie Hoyt

MARSHA A. BURCH

ATTORNEY AT LAW

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411
mburchlaw@gmail.com

April 15, 2020

Via electronic mail:

nstreega@placer.ca.gov
scolbert@placer.ca.gov
cdraecs@placer.ca.gov
adashiel@placer.ca.gov
sherring@placer.ca.gov

Placer County
Planning Services Division and
Environmental Coordination Services
3091 County Center Drive
Auburn, CA 95603

Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

Re: Initial Study/Proposed Mitigated Negative Declaration for
Sehr Winery
PLN18-00469
SCH# 2016052071

Dear Ms. Streegan, and Planning Commissioners:

We appreciate the opportunity to provide the following comments on behalf of Jackie Hoyt and more than 37 other neighbors of the proposed Project. Many of my clients have submitted comment letters regarding the Initial Study and Mitigated Negative Declaration, and this letter is intended to supplement those comments, and those submitted by other agencies and members of the public.

As explained below, the Initial Study and Mitigated Negative Declaration (referred to together herein as "MND") for the Project does not comply with the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) in certain essential respects. The Project is also inconsistent with existing General Plans and zoning.

While the County and the developer may understandably wish to avoid the costs associated with extensive environmental review, the MND does not fulfill the County's obligations under CEQA. It is our view that an Environmental Impact Report ("EIR") is required for the Project.

An overarching concern about the County's review of this Project is the fact that the MND ignores cumulative impacts of the Project, *plus* the Winery and Farm Brewery Zoning Text Amendment ("ZTA") currently being developed and scheduled for consideration by the County for approval on April 23, 2020. This failure of the cumulative impacts analysis also results in an improper segmenting of the Project review.

A. The MND Improperly Segments the Environmental Review

California courts have repeatedly and forcefully rejected attempts to avoid proper evaluation and disclosure of a proposed action's long-term environmental impacts. CEQA requires that lead agencies consider a project's full environmental impacts "at the earliest possible stage" and certainly before the project gains "irreversible momentum." (E.g., *City of Carmel by the Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 242.) Thus there is an overwhelming mandate against allowing agencies to defer the preparation of a full EIR until a later phase of the project; instead, CEQA mandates "that environmental considerations do not become submerged by chopping a larger project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences." (*Bozung v. Local Agency Formation Comm'n* (1975) 13 Cal.3d 263, 283-84; and see *No Oil v. Los Angeles* (1987) 196 Cal.App. 3d 223, 233, 237.) CEQA accomplishes this in part by defining the term "project" broadly to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change to the environment." (CEQA Guidelines §15378(a).) More specifically, "project" means the reviewed activity, which may be subject to several discretionary approvals. (CEQA Guidelines § 15378(c).) Thus, an agency must prepare an initial study considering the entirety of a project.

On April 13, 2020, the law firm of Shute, Mihaly & Weinberger submitted a comment letter to the County regarding the ZTA for wineries and breweries. The letter noted that the EIR for the ZTA is improperly segmented because it "is looking at the ZTA in isolation, as if no development will follow." (See April 13, 2020 letter, pp. 3-4.) The County apparently intends to approve the Sehr Winery Project, and *then* approve the ZTA. This approach makes no sense from a planning perspective, and it undermines the sufficiency of the environmental review for the ZTA and this Project.

In the case of this Project, the County is *currently* reviewing the ZTA, and at the same time reviewing the permit application for this individual winery Project. The MND for the Project does not mention one word about the ZTA. This approach violates the informational purposes of CEQA, and also violates the substantive requirements for adequate environmental review.

The County ignores the ZTA in the staff reports prepared for the Project, and there is no disclosure as to what, if any, of the conditions of approval for the Project would be undermined, erased, or modified in some way as a result of approval of the ZTA. It is possible that the ZTA will negate the entire analysis relying on the limitation of 6 promotional events per year with a maximum of 102 guests. (See Agenda packet, p. 74.) Will this condition be removed when the ZTA is passed allowing for unlimited

events? The County's failure to disclose and discuss this information violates CEQA, not to mention undermining the trust of an apprehensive citizenry.

The ZTA and the Project have been "connected" from the beginning of the process before the County. The ZTA has been going through the administrative process while the Project application has been moving along on a parallel track. It is inappropriate for the County to pretend that these projects are unrelated.

As the letter from Shute, Mihaly & Weinberger makes clear, the EIR for the ZTA is deeply flawed, and must be improved to meet CEQA's mandates. As it relates to this Project, the impacts of the ZTA must be considered, disclosed, and discussed in the MND in order to comply with CEQA.

B. Standard for use of a Negative Declaration

Where, as here, there is substantial evidence in the record to support a fair argument that the proposed project may have a significant effect on the environment, preparation of an EIR is required. (PRC §§ 21100, 21151; CEQA Guidelines § 15064; *Communities for a Better Environment v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319.)

The standard in reviewing an agency's decision not to prepare an EIR for a project is subject to the "fair argument test" and is *not* reviewed under the substantial evidence test that governs review of agency determinations under Public Resources Code sections 21168 and 21168.5. The "substantial evidence test" that generally applies to review of an agency's compliance with CEQA provides that if any substantial evidence in the record supports the agency's determination, then the determination will remain undisturbed.

In stark contrast, an agency's decision to omit the preparation of an EIR will not stand if *any* substantial evidence in the record would support a fair argument that the Project *may* have a significant effect on the environment. (*No Oil, Inc. v. city of Los Angeles* (1974) 13 Cal.3d 68, 75; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1000-1003; Pub. Resources Code § 21151.)

There is substantial evidence to support a fair argument that each of the Project impacts discussed below may indeed be significant, and a full EIR should be prepared for the Project.

C. The Project may Result in Significant Impacts

As noted above, the cumulative impacts analysis is inadequate under CEQA. The winery and brewery development that will occur under the ZTA, along with this Project (as well as other traffic-generating projects nearby) have not been adequately analyzed. Additionally, the following areas of impact may also be significant, also triggering the need for a full EIR.

It should also be noted that to the extent the County plans to place conditions on the Project that will be removed by the adoption of the ZTA, the analysis of the MND

relies upon the assumptions regarding the number of winery events each year, and the analysis of most areas of impact will be rendered completely inaccurate. For example, the parking area and the septic system have been proposed and analyzed based upon maximum numbers of visitors and events, and these analyses are useless if the intent is to impose conditions that will be eased by the ZTA.

1. Biological Resources

The MND contains outdated and inaccurate information regarding the status of the Project site, particularly with respect to jurisdictional wetlands. The MND begins with a reference to the Biological Resources Assessment prepared in September of 2018. (MND, p. 12.) There is also mention of a Wetlands Assessment and field surveys. (*Id.*) The MND goes on to provide a mitigation measure for impacts to wetlands as follows: “Prior to approval of Improvement Plans, the wetlands report shall be field verified by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Wildlife.” (MND, pp. 13-14, emphasis added.) This measure goes on to state that all necessary permits and mitigation credits will be provided to the County before Improvement Plans are approved.

In the fall of 2019, the Project developer decided to go ahead and begin grading and filling on the Project site. The California Department of Fish and Wildlife responded, as did the U.S. Army Corps of Engineers (“USACE”). USACE opened an investigation, ID#SPK-2019-00743. The mitigation measures identified in the MND are no longer viable, as the terrain has been graded and filled such that there can be no verification by the listed resource agencies. It is possible that the mitigation measure could be revised after USACE completes its investigation and concludes any regulatory action, but the MND will have to be revised to disclose the change.

2. Land Use and Planning

Several comment letters submitted to the County regarding the MND noted that the hours of operation identified for the Project, allowing events until 11:00 p.m., violate County Code section 17.56.340 D 8.c, which allows events to run from 10:00 a.m. to 10:00 p.m. Friday and Saturday and 10:00 a.m. to 8:00 p.m. on Sunday.

The comments submitted to the County on the MND make clear that compatibility with adjacent residential uses is unlikely. The additional traffic, noise, dust, and light are inconsistent with a residential neighborhood, and the MND identifies just three mitigation measures it claims result in a less than significant impact.

The three measures are: (1) MM XIII.1, limiting delivery hours, limiting outdoor noise for “day-to-day” operations, and noting that events will be subject to the Placer County Noise Ordinance; (2) MM I.1, governing lighting to prevent “spill over”; and (3) MM I.2, a photometric study requirement for lighting.

The concerns that were raised by members of the community included the increase in traffic running beside their homes and down their private drives, as well as noise associated with events, winery operations, and construction. The mitigation measures the MND offers as reducing these impacts to a level of insignificance do not

even address the event noise (other than a vague reference to the County ordinance), nor do the measures address how traffic will be directed to the winery (and kept out of residential lanes and driveways). The noise and lighting mitigation measures are not clear, effective, and enforceable as required by CEQA. There are also no performance criteria identified that would even allow an assessment of the success of these measures. The mitigation strategy is insufficient, and the record reflects a myriad of land use conflicts that have not been addressed at all in the MND.

3. Traffic Impacts

Several commenters also have expressed concern about the already congested traffic conditions, as well as safety concerns regarding the entrance to the Project site. The MND provides a brief dismissal of the question of whether there are any traffic safety concerns, stating that there are no safety issues associated with the entrance to the Project site because the entrance is pre-existing. (MND, p. 32.) The existing entrance to the Project site has never been used for a busy winery and events center, so there is no factual support for this conclusion. Further, the MND mentions in another section that the final landscape plans may have to be modified to address traffic safety, with no elaboration. (MND, p. 19.)

Additional safety concerns have been raised relating to the lack of visibility at the intersection entering Cavitt Stallman Road from Oak Pine Lane. This is also something the MND and staff reports fail to address. The only “discussion” of traffic safety appears in the agenda packet at page 5, where it is stated that the access driveway for the winery is “acceptable in accordance with standards of safety. Sight distance requirements and acceleration/ deceleration tapers for the Sehr Winery satisfy county safety standards.” This bare conclusion is not supported by any evidence in the record.

The flow of traffic is also a concern that has been raised in comment letters, and is not mentioned or discussed in the MND. Comments have been submitted informing the County that privately maintained roads near the Project are often used as a shortcut Douglas Boulevard / Joe Rodgers Road and Cavitt Stallman Road. Concerns about winery traffic using Oak Pine Lane and Itchy Acres Road were raised by many Project neighbors. The staff reports for the Zoning Administrator do not address these concerns at all. Failure to address a potentially significant impact, evidence of which has been presented to the lead agency, violates CEQA.

The MND traffic impact analysis also suffers from an overarching lack of information and accuracy with respect to existing conditions and projections for a Project that will likely be modified almost immediately by the passage of the ZTA.

The Granite Bay Traffic circulation update has been underway for some time but not yet completed. Presentations provided by transportation engineering to the public at the Granite Bay Municipal Advisory Council have stated that traffic along Douglas Boulevard was much worse than anticipated (F level of service at some intersections). Multiple traffic surveys have been completed with public feedback indicating a strong desire to keep Douglas at 4 lanes. No solution has been reached. Thus, the information upon which the Project traffic analysis is based is incomplete and inaccurate. The EIR

for the ZTA for wineries and breweries also (as a result of improper segmentation of review) fails to discuss traffic impacts from the Project.

Finally, the Project description states that in addition to the winery, the Project will include olive oil production. There is no information in the traffic analysis regarding deliveries or other vehicle trips that will be associated with this aspect of the Project. This flaw also appears in the analysis of wastewater handling, discussed immediately below.

4. Utilities and Service Systems

The MND provides a very confusing picture of what will happen on the Project site with respect to wastewater. In the Project description it states that domestic wastewater will be treated in a leach field on the property “and a separate system will be located on the property to treat the wine production wastewater.” (MND, p. 2.) There is nothing in the MND showing where (or how) two separate septic and leach field systems will fit onto the Project site.

The staff report (page 6) states that “[a] total of one sewage disposal system would be constructed for the proposed project.” The staff report goes on to say that the sewage system will *not* be sufficient to handle the wastewater from promotional events and winery visitors. (Agenda packet, pp. 6-7.) Some vaguely described “special design features” will allow the inadequate system to “accommodate the sewage flows from infrequent events (i.e., six times per year).” (*Id.*) As noted above, once the County approves the ZTA for wineries and breweries, the limitations on events will no longer be in place, and every assumption regarding Project impacts, including wastewater impacts, will no longer be valid.

On August 27, 2019, a septic design memo was prepared for the Project, and it also states that winery wastewater will *not* be treated in the domestic septic system. (A copy of the August 27, 2019 memo is attached.) The memo also discusses the fact that the system is not sufficient to accommodate event flows, along with flows from the winery visitors, and then goes on to say that the pump tank will somehow allow the “surge” flows to be accommodated. There is no discussion of how the system will handle the capacity when the ZTA is approved.

Additionally, the August 27, 2019 memorandum regarding the domestic wastewater flows and treatment does not make any mention of the olive oil production activities that will occur as part of the Project. There is no information regarding the amount of olive oil that will be produced, or how much wastewater, solid waste, etc. will be produced by this activity.

The Central Valley Regional Water Quality Control Board will regulate the collection and treatment of winery wastewater, and the MND simply fails to even acknowledge or discuss the separate system that will be necessary to meet the State standards. In fact, the staff report specifically denies the existence of this separate, required system. This lack of information, failure to disclose, and failure to analyze, violates CEQA.

5. Cumulative Impacts

The CEQA Guidelines (§ 15130(b)) provide two methods for an adequate analysis of cumulative impacts:

1. The List Approach, which identifies all of the past, present and probable future projects contributing to the cumulative impact, including projects that are outside of the control of the lead agency.
2. The Projection Approach, which relies upon the cumulative impact analysis on a summary of projections of future development and impacts contained in an adopted general planning or related planning document, or in a prior environmental document that has been certified. These documents must be available to the public and actually describe or evaluate the regional or areawide conditions contributing to the cumulative impact.

The County took a shortcut and decided not to analyze cumulative impacts under either of the available approaches. The cumulative impacts analysis is non-existent, and consists only of a check-box “no” answer on the checklist. (MND, p. 38.) Accordingly, it does not meet CEQA’s requirements.

D. Conclusion

For the reasons set forth above, we believe that the MND fails to meet the requirements of the California Environmental Quality Act. Also, the Project conflicts with adjacent land uses. For these reasons, we believe the document should be withdrawn and a revised environmental document, a full EIR, should be prepared.

Very truly yours,



Marsha A. Burch
Attorney

cc: Jackie Hoyt
Project neighbors
Karin Schwab, County Counsel

Sue Colbert

From: Garrett M. Leaf <Garrett.M.Leaf@cahealthwellness.com>
Sent: Wednesday, May 27, 2020 9:01 AM
To: Sue Colbert
Subject: [EXTERNAL] Twin Rocks Winery - Sehr Project

Ms. Colbert,

I am writing to profess my support for the Twin Rocks Winery project proposed on Cavitt Stallman Rd. I have been a resident of Granite Bay for the last 24 years and have enjoyed the seeing our area change and develop over the years. I recently had the opportunity to visit with the Sehr's to learn about their proposed winery project and was thoroughly impressed. I toured the grounds and spoke at length with the Sehrs and believe they have taken the utmost precautions to preserve the natural beauty of the land and have put together a proposal that will have minimal impact on the land and surrounding area. I strongly feel that our area would benefit from such a venue and would provide a quiet and relaxing getaway for us right here in our own community. If you drive through our rural roads it is not difficult to see new lots being developed for additional houses and I strongly believe this project is the perfect alternative to additional housing in our area. I would like to express my support for the Sehrs and this project and believe they should be allowed to proceed as planned.

Sincerely,

Garrett Leaf

Garrett Leaf
Chief Financial Officer



Health Net, LLC
California Health & Wellness
1740 Creekside Oaks Drive, Suite 200
Sacramento, CA 95833
Direct: 916-891-3880
Cell: 702-373-5097
Garrett.M.Leaf@healthnet.com

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Sue Colbert

From: Emily Leff <emilyl@rcsis.com>
Sent: Friday, May 22, 2020 10:29 AM
To: Sue Colbert
Subject: [EXTERNAL] Sehr Winery

Dear Ms Colbert and members of the Planning Commission,

At the meeting of the Zoning Administrator, people who reside in the immediate neighborhood of the winery called in to express some concerns.

I doubt anyone disputes the notion that one single owner of the 80 acre property is by far preferable to a 17 parcel development. Nor do they object to a winery per se. The point is that a comparison to 17 lots is not a valid one when you consider the actual numbers of people and cars we're talking about.

The winery is planning to have "promotional events" of over 100 people, and wine tasting with potentially even more visitors (203 is listed as the maximum per day). This is a far cry from 17 single family homes. Water, sewage, noise, and especially traffic are legitimate concerns, as there is only one access point in and out of the winery, and that is on Cavitt Stallman Rd.

Since the owners do not live in the area, there is a question of "Who is in charge?", and who will monitor activity and compliance with the terms of the agreement?

It is all too easy to dismiss those who express their concerns as crackpots who are anti-progress. The reality is that we have some legitimate concerns, and would like some assurance that there will be adequate oversight of operations at the winery, and any problems (now or in the future) addressed promptly.

Thank you,

Emily Leff

Sent fro

Sue Colbert

From: wrmcdo@surewest.net
Sent: Tuesday, May 26, 2020 8:07 AM
To: Sue Colbert
Subject: [EXTERNAL] Sehr Winery Project

Dear Ms. Colbert,

My name is William McDonald and I live about one mile from the Sehr Winery Project on Cavitt-Stallman Rd. First I want to let you know I have no objection to the winery itself, but do have concerns about several issues surrounding the project. First is the traffic issue, which I feel is a very real and potentially dangerous item. Cavitt-Stallman, as you know, is a busy narrow two lane road with no shoulders. Many bicyclists use it, and I feel there is the potential for some serious mishaps, not to mention people driving "Buzzed" after leaving the winery.

The second issue I'm concerned with, is how is the Planning Commission is justifying "Granting relief" to this project by allowing the winery to operate in violation of County noise and hours of operation statutes. I have not heard their justification.

Please pass my concerns along to the Planning Commision.

Sincerely,

William McDonald

May 26, 2020

Placer County Planning Commission
3091 County Center Dr # 140
Auburn, CA 95603

Attn: Sue Colbert - via email SColbert@placer.ca.gov

Re: Twin Rocks Estate Winery Permit Application
6635 Cavitt Stallman Rd, Granite Bay, CA 95746

Dear Ms. Colbert

My wife and I have had the opportunity to meet the owners of Twin Rocks Estate Winery, Jim and Angela, and have a tour of their property.

We were very impressed by the natural beauty of the property, the quality of the planted grapes and olive trees and their long-term vision for the vineyard.

They showed us where the tasting room will be located, near the pond, after you enter the winery from the very elegant entrance from Calvitt Stallman Rd. The location blends both natural habitat and vineyard environment that should be a very enjoyable experience for any future visitor. It will present a positive image for both out of area visitors and local residents.

In the future, we will definitely include the winery as a place to visit with and/or without visiting friends. The venue will be an environmental asset for the community because of the natural ambiance. Guests will have the opportunity to learn about growing grapes and olives and learn the about the local native environment as well as they enjoy tasting the wine.

The winery will also be another business and employer for our community. Once established it should enhance the image of Granite Bay as a premier winery. Long-term the winery represents a much better option than subdividing the substantial acreage into more housing.

We strongly support their application as a small winery in our area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Miesen", is written over the signature line.

Mary and Steve Miesen
2249 Ursula Way
Roseville, CA 95661
916-741-8267

Sue Colbert

From: Hugh Smith <judnhugh@gmail.com>
Sent: Tuesday, May 26, 2020 10:56 PM
To: Sue Colbert
Subject: [EXTERNAL] Sehr Winery (PLN -18-00469) Planning Commission, 28 May 2020

Placer Planning Department
Placer County Planning Commission
Placer County Board of Supervisors
Above addressees c/o Sue Colbert, Senior Board Commission Clerk

May 26, 2020

Re: Sehr Winery (PLN18-00469) Planning Commission Hearing, May 28, 2020

Thanks for giving me the opportunity to comment on this project. I live less than a mile from the project for almost 30 years and am personally excited about having a facility of this type in Granite Bay. I do have some concerns as any new project must comply with existing laws, County Codes, and the Community Plan, and is not a detriment to the Community health and safety. This Project clearly does not!

Since the Project was developed under Department of Agriculture guidelines, there has been little or no opportunity or concern for fitting a commercial Agriculture operation in to a residential neighborhood, and no opportunity for Community comment either by County Planning or the project owner/developer. It seems this project was a "none of your business" venture until the decision to take it commercial and the applicants Mitigated Negative Declaration was submitted.

It is not clear after listening to the County Administrative Review and Hearing how the Planning Commission intends to resolve the enormous conflicts between the applicants plans and current CEQ and zoning laws, and County ordinances. In addition to compliance with State and County law, I have several additional concerns to the health and safety of the Community.

First, the potential for heavy traffic on the privately maintained lanes of Itchy Acres/Oak Pine as motorists use these two small and narrow private roadways that are solely maintained by the residents as a short-cut between Douglas Boulevard/Joe Rodgers and Cavitt Stallman. These two small and narrow private roadways are frequently used by walkers runners, and cyclist. Because of their small private nature, these two lanes serve as extensions of our driveways connecting the residents to public streets. Both are clearly marked "Private – No thru traffic". Any increase in traffic would create a clear danger to residents entering and exiting their personal drives and present a safety hazard and dangerous situation to those using them for pleasure. Because they are private roadways, law enforcement for traffic control is virtually non-existent.

Second, the site distances for the Oak Pine/Cavitt Stallman intersection and the winery entrance at 6635 Cavitt Stallman. Traffic at this intersection entering Cavitt Stallman from Oak Pine is blind in both east and west directions and creates a safety hazard by requiring motorists to pull forward in danger of Cavitt Stallman traffic to determine if it is in fact safe to turn onto Cavitt Stallman. Poor visibility at this intersection is caused by a big bank and small hill to the east and foliage to the west. Additionally, traffic turning East on to Cavitt in the morning has the blinding sun in their eyes, and traffic turning west has blinding sun in the afternoon, thus making it even more dangerous at these times.

A third concern is the resulting volume of noise from motor traffic, lights and tractor/ generator noise all night during harvest operation, and client and support traffic at other times. Some have tried to make a comparison to the potential traffic generated by 17 homes. This is an invalid comparison because we don't have 17 homes – we have a

commercial vineyard operation. We have wine tasting and cyclist without a bike lane during the day and slow truck traffic both day and night, albeit heavier during harvest, without shoulders on either side of the road. With extremely poor site distance and no means of avoiding stalled traffic it's a sure recipe for tragic accidents. If approved without mitigation of these issues, the future is impossible to imagine as a successful operation will multiply these concerns to the detriment of our health and safety!

Respectfully,
Hugh Smith
6400 Itchy Acres Road

County of Placer County
Community Development Resource Agency
Steve Pedretti, Agency Director

Planning Services Division, 3091 County Center Drive, Auburn, CA 95603

Planning Commissioners,

My name is Charley Tiff, and I have lived at 6905 Mystery Creek Lane, neighbor to the proposed **Sehr Winery/Event project** for 13 years. As a neighbor, **I object to the granting of special privileges** not extended to my household or any other resident in the Res-Ag zoning district.

Hours of operation for events until 11:00pm and tear-down from 11:00 until 1:00 violate at minimum County Ordinances 17.56.340 D 8.c and 17.56.340 D 9. There appears to be no county exemption under 9.36.030 that applies.

The MND failed to identify extended hours of operation as a "variance". As this commission is well aware, a variance can only be granted when CEQA compliant, if special privileges are not being granted within a zoning district, if it is not detrimental or injurious to the adjacent properties and if it grants relief for equal enjoyment. I can attest that my quality of life, property value and health and safety will be negatively impacted by the Sehr request for extended hours of operation. Economic feasibility cannot be considered since events are an accessory use and any investment to date in the project was actions taken by the applicant and cannot be considered a reason to grant "relief".

I respectfully request that in the interest of **open, honest and transparent decision making that the Planning Commission identifies under which specific ordinance, legal statute or authority can it approve the self-induced variance for extended hours of operation?**

Thank you

Charley Tiff
6905 Mystery Creek Lane
Granite Bay, CA 95746

Please see the attached codes for reference.

17.56.340 Community center, commercial event center, agricultural event center.

8 c. All types of agricultural event centers shall be allowed to operate from 10:00 a.m. to 10:00 p.m. on Friday and Saturday and from 10:00 a.m. to 8:00 p.m. Sunday through Thursday.

NOISE ORDINANCE: 9.36.030 Exemptions.

A. Sound or noise emanating from the following sources and activities are exempt from the provisions of this title:

1. **Sound sources typically associated with residential uses** (e.g., children at play, air conditioners in good working order, etc.);
2. Sound sources associated with property maintenance (e.g., lawn mowers, edgers, snow blowers, blowers, pool pumps, power tools, etc.) provided such activities take place between the hours of seven a.m. and nine p.m.;
3. Safety, warning and alarm devices, including house and car alarms, and other warning devices that are designed to protect the health, safety and welfare, provided such devices are not negligently maintained or operated;
4. The normal operation of public and private schools typically consisting of classes and other school-sponsored activities;
5. Maintenance (e.g., lawn mowers, edgers, aerators, blowers, etc.) of golf courses, provided such activities take place between the hours of five a.m. and nine p.m. May through September, and seven a.m. and six p.m. October through April;
6. Emergencies, involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including but not limited to sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment;
7. Construction (e.g., construction, alteration or repair activities) between the hours of six a.m. and eight p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order;
8. Infrequent repair, rebuilding, reconstruction or dismantling of any motor vehicle between the hours of eight a.m. and eight p.m.;
9. **Sound sources associated with agricultural operations on agricultural land**, as defined by Placer County Code Article 5.24.040, which are carried out in any manner consistent with the practice and within the standards of the agricultural industry. This includes without limitation all mechanical devices, apparatus or equipment utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of mobile sources is necessary for pest control;
10. Sound sources associated with existing legal non-conforming and/or existing permitted commercial, industrial or non-profit operations, which do not significantly change in existing on-site activities, or **result in a change in the number of days or daily hours of operation**;

11. Gunfire occurring while hunting consistent with all state laws on private property shall be allowed;
12. Animal noise (These noises are handled elsewhere in the code.);
13. Any vehicle, otherwise compliant with state law, being operated upon any public highway, street or right-of-way or driveway for the purpose of exiting or entering property. **This exception does not include any amplified sound emanating from the vehicle, vehicle alarms or horn-honking.** (Ord. 5294-B, 2004; Ord. 5280-B, 2004)

GRANTING OF A VARIANCE

D. Action on a Variance. The Zoning Administrator or Planning Commission shall approve, approve subject to conditions, or disapprove a Variance as set forth in this subsection. 1. **Findings. Approval or conditional approval may be granted only when the granting authority first determines that the Variance satisfies the criteria set forth in California Government Code Section 65906** by finding that: a. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. b. **The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.** c. The Variance does not authorize a use that is not otherwise allowed in the zoning district. d. **The granting of the Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.** e. The Variance is consistent with the Placer County general plan and any applicable community plan or specific plan. f. The Variance is the minimum departure from the requirements of this ordinance necessary **to grant relief to the applicant**, consistent with subsections a. and b., above. 2. **Conditions of Approval. In approving a Variance, conditions shall be adopted by the Zoning Administrator or Planning Commission as necessary to enable making the findings described in subsection (D)(1) of this section.**

CRITERIA FOR GRANTING VARIANCES - You must be prepared to prove to the satisfaction of the Zoning Administrator or Planning Commission that your Variance application meets the following criteria set forth in **Section 17.60.100** of the Zoning Ordinance. The hearing body will not assume that your application meets these requirements; you must prove that it does. • **The granting of such Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated;** and • Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. Note: Pursuant to the requirements of the California Building Code (CBC), no openings are allowed in a wall that is within 3 feet of any property line. This includes windows, door, vents, etc. • The following are the factors against which the hearing body will weigh your Variance application: • **Where a hardship was created by the applicant's own acts, he is not entitled to relief. Illegal work begun prior to the Variance request is not a hardship.** • Neighboring violations do not constitute unnecessary hardship. • Personal or financial hardship is not a hardship within the meaning of the Variance laws. • No one factor determines what is practical difficulty or unnecessary hardship. • The granting of a Variance does not set a precedent since each Variance is considered on its individual merits.